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Attorneys for Plaintiffs DENNIS MONTGOMERY and MONTGOMERY FAMILY TRUST, a California Trust.

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

Although Plaintiffs do not in theory oppose the Defendants' motion for leave to "amend" their earlier-filed Motion to Dismiss, Plaintiffs hereby oppose the defendants' motion only on the narrow procedural ground that an "amended" motion is not the proper or appropriate vehicle by which to accomplish what the Defendants seek to do, which is to respond to the First Amended Complaint, not the Complaint. Instead, the more appropriate method would be to simply withdraw the originally-filed motion to dismiss – to which the Plaintiffs stipulate – and file whatever Motion to Dismiss the First Amended Complaint that the Defendants choose to file.

In that way, there is no potential ambiguity in the record regarding what complaint is being responded to, what arguments are being raised, and on what grounds dismissal is being sought. Under the Defendants' current plan, their recast motion is simply some type of "surreply" to the Plaintiffs' opposition.

WHEREFORE, Plaintiffs respectfully request that eTreppids' Motion for Leave to Amend Motion to Dismiss First Amended Complaint of Dennis Montgomery and the Montgomery Family Trust be denied.

Respectfully submitted this 11th day of April, 2006.

/S/EAP
ERIC A. PULVER, ESQ.
ATTORNEY FOR DEFENDANT

CERTIFICATE OF SERVICE

I, Lezlie M. Lucas, declare: I am an employee in the City of Reno, County of Washoe, State of Nevada, employed by the Law Office of Logar & Pulver, PC, located at 225 S. Arlington Avenue, Suite A, Reno, NV 89501. I am over the age of 18 years and not a party to this action.

I am readily familiar with the Law Office of Logar & Pulver's practice for the collection of mail, delivery of its hand-deliveries, their process of facsimile's and the practice of mailing.

On 11TH day of April, 2006, I caused the foregoing document to be delivered to the following persons and/or entities:

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1 Civil Division, Room 6126
2 20 Massachusetts Avenue, N.W.
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5 Donald H. Rumsfield
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/S/LML
Lezlie M. Lucas, Notary Public
Legal Assistant to the Law Office of Logar & Pulver, PC